

REMARKS/ARGUMENTS

Claims 1-49 are pending in the present application and remain in this application for prosecution. None of the claims has been amended. The Listing of Claims beginning on page 2 of this response has been included for the convenience of the Examiner. Claims 1, 10, 14, 24, 33, and 41 are the only independent claims.

Rejection of claims 1-13

Claims 1-13 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Application No. 60/373,749 to Walker *et al.* ("Walker provisional"). Walker is a provisional application to which U.S. Patent Application Publication No. 2003/0216169 ("Walker publication") claims priority. It is apparent that the Examiner is referring to the Walker publication in rejecting claims 1-13 because the Examiner's citations, such as "Page 1 Section 0014," seem to be present only in the Walker publication (*e.g.*, there is no section 0014 on page 1 of the Walker provisional). Accordingly, this response will refer to the Walker publication ("Walker").

The rejections allege that "the step of 'player inserting more credits' is being viewed as 'the second wager,'" and that "a benefit mode with certain benefits will be provided if the credit balance is increased." As explained below, increasing the credit balance is different than increasing a credit wager.

Claims 1 and 10

Claim 1 is directed to a wagering game in which enhanced game play is enabled in response to detecting a second wager. Claim 10 is directed to a wagering game in which selection of an option for increasing a value of a plurality of value payouts is indicated in response to detecting a second wager. In contrast, Walker discloses a game that provides "a benefit to a player for maintaining a high credit balance." Walker, ¶ 2. As such, the player of a gaming machine disclosed by Walker will receive a benefit "if the credit balance is increased or maintained above a certain threshold." Walker, ¶ 67. Thus, the goal of Walker is to "motivate a player to achieve and/or maintain higher balances." Walker, ¶ 36.

A wager is necessarily distinct and, in fact, inversely related to a credit balance. A second wager necessarily decreases the credit balance resulting in a lower credit balance. Accordingly, Walker teaches away from using a second wager to activate what the Examiner deems the “enhanced mode.” Clearly, motivating a player to achieve and/or maintain “higher balances” is directly contrary to detecting a second wager for enabling enhanced game play.

To further exemplify the wager/credit balance contradistinction, consider the following scenario based on the teachings of Walker. Referring to the table in FIG. 5, if the player maintains a credit balance that is greater than or equal to 120 coins, the player receives a “modified payout table.” Assuming that the player has currently a balance of 131 coins, the player is currently receiving the modified payout table. If the player makes a first wager of 10 coins, the player’s balance is reduced to 121 coins and, accordingly, the benefit is still received. However, if the player makes a second wager of 10 coins, the player will lose the benefit because the player’s balance of 111 coins is less than the required balance of 120 coins. The player has no motivation to make the second wager. In fact, the player will likely ensure that he or she does not to make the second wager to retain the “modified payout table” benefit.

Additionally, nowhere does Walker list, discuss, teach, suggest, or even hint at receiving a second wager to enable the allegedly disclosed “enhanced” game play. For example, Walker lists in ¶ 32 a variety of different types of conditions, including current credit balance, decreases in credit balance, increases in credit balance, etc. None of these conditions have anything to do with a “second wager.” Walker includes numerous other paragraphs that describe in great detail conditions for receiving a benefit. *See, e.g.,* ¶¶ 41-44 and 53-55. None of these paragraphs, or anywhere else in the specification, does Walker say anything about providing a second wager to obtain a benefit.

Thus, the Applicants respectfully submit that claims 1 and 10, along with all claims dependent therefrom, are patentable over Walker at least for the above-stated applicable reasons.

Claim 10

Claim 10 is further directed to “displaying a full outcome of the wagering game” in response to detecting the second wager. The rejections allege that “it is an obvious choice for the casino operator to choose the ‘certain condition’ to be the condition where n out of x reels are displayed,” wherein Walker discloses “one of the benefit modes to be an increase in the value

payout of an outcome.” A skilled artisan would not know how to display the full outcome of the wagering game by looking at Walker’s increase in the payout value. To support the obviousness allegation, there must be at least a direct relationship between the increasing a payout value and displaying a full outcome. No such relationship exists. For example, the payout value can be changed (*e.g.*, increased) regardless of whether a full outcome of the wagering game is displayed.

Thus, the Applicants respectfully submit that claim 10, along with all claims dependent therefrom, is patentable over Walker at least for the above-stated applicable reasons.

Rejection of claims 14-23

Claims 14-23 were rejected under 35 U.S.C. § 103 as being unpatentable over Walker in view of U.S. Patent No. 6,960,133 to Marks *et al.* (“Marks”). Claim 14 is directed to “in response to detecting the second wager, activating the super wild symbol to enable enhanced slot game play.” Thus, the Applicants respectfully submit that claim 14, along with all claims dependent therefrom, is patentable over Walker in view of Marks at least for the above-stated applicable reasons regarding claim 1.

Claim 23

Additionally, the office action has failed to address the claim elements of claim 23. For example, there is no allegation that any of the cited references teach or suggest “an adaptable mechanical spinning reel slot machine including a plurality of electro-mechanical reels” or a “flat panel transmissive display positioned in front of the electro-mechanical reels,” as claimed by claim 23. Thus, the Applicants respectfully submit that claim 23 is patentable over Walker in view of Marks at least for the above-stated applicable reasons.

Rejection of claims 24-49

Claims 24-49 were rejected under 35 U.S.C. § 103 as being unpatentable over Walker in view of Marks and further in view of U.S. Patent Application Publication No. 2002/0055382 to Meyer (“Meyer”). Claims 24 and 33 are directed to “in response to detecting the second wager, enabling enhanced slot game play.” Claim 41 is directed to “in response to detecting the second wager, enabling enhanced game play.” Thus, the Applicants respectfully submit that claims 24, 33, and 41, along with all claims dependent therefrom, are patentable over Walker in view of

Marks and further in view of Meyer at least for the above-stated applicable reasons regarding claim 1.

Claim 24

Regarding claim 24, the office action alleges that Meyer discloses “adding extra symbol/pay lines on the display screen.” Claim 24 is directed to “displaying a first extra reel symbol above a first reel symbol array” (*see, e.g.*, symbol 720 displayed in FIG. 13 of the current invention) and to “an option to activate a possibility of an additional movement of the first reel.” Nowhere does Meyer teach or suggest these claim elements. For example, Meyer discloses, at most, that an array 20 may be extended by the “addition of more rows and/or columns.” Meyer does not teach or suggest, however, having a symbol above a reel symbol array or additional movement of a reel. Thus, the Applicants respectfully submit that claim 24, along with all claims dependent therefrom, is patentable over Walker in view of Marks and further in view of Meyer at least for the above-stated applicable reasons.

Claims 31 and 40

Claims 31 and 40 are directed to “an adaptable mechanical spinning reel slot machine including a plurality of electro-mechanical reels” and a “flat panel transmissive display positioned in front of the electro-mechanical reels.” Thus, the Applicants respectfully submit that claims 31 and 40 are patentable over Walker in view of Marks and further in view of Meyer at least for the above-stated applicable reasons regarding claim 23.

Claim 33

Claim 33 is directed to “displaying an extra reel symbol above a first reel symbol array.” Thus, the Applicants respectfully submit that claim 33 is patentable over Walker in view of Marks and further in view of Meyer at least for the above-stated applicable reasons regarding claim 24.

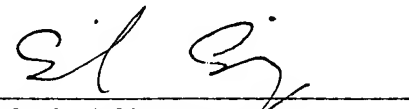
Conclusion

It is believed that no fee is presently due. However, should any additional fees be required, the Commissioner is authorized to deduct the fees (except for payment of the issue fee) from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47079-00261USPT.

Respectfully submitted,

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By



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